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Attorneys for Plaintiffs
DONALD MORTON and DANIEL SANCHEZ

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DONALD MORTON and DANIEL SANCHEZ, on their own behalf and on behalf of a class of similarly situated persons pursuant to F.R.C.P. 23 and 29 U.S.C. § 216, and on behalf of the General Public,

Plaintiffs
v.

VALLEY FARM TRANSPORT, INC., a
California Corporation,

Defendants.

Case No. C 06-02933 SI (ADR)

**PLAINTIFFS' REQUEST TO CONTINUE
CASE MANAGEMENT CONFERENCE
BASED ON THE STIPULATION OF THE
PARTIES**

Date: September 14, 2007
Time: 2:30 p.m.
Judge: Hon. Susan Illston
Courtroom: 10

SUBJECT TO APPROVAL OF THIS COURT, Plaintiffs respectfully request that the Court continue the Case Management Conference (CMC) currently set for September 14, 2007 to November 9, 2007, or sometime thereafter. Plaintiffs contend there is good cause for this request as follows. The CMC was originally set for September 14, 2007, as the parties had a deadline to conduct mediation in this matter by that time. The parties have begun and continue to take part in the mediation process. The parties met for their first day of mediation on August 28, 2007. At that time, the parties verbally stipulated to continue the CMC until after the completion of the mediation

1 process. Currently, the parties are scheduled to meet again for a second day of mediation on October
 2 5, 2007.

3 On September 12, 2007, Plaintiffs' counsel contacted the court clerk regarding the parties'
 4 request to reschedule the date of the CMC. The clerk indicated that the CMC scheduled for
 5 September 14, 2007 would be continued until November 9, 2007.

6 Plaintiffs prepared a formal stipulation to file with the Court. Plaintiffs, however, were
 7 unable to reach Defendant's counsel to secure a signature on the formal stipulation and, as such, have
 8 not yet filed said stipulation. Plaintiffs' counsel represents that Defendant's counsel have agreed to
 9 continue the CMC to a date after the parties' next scheduled mediation session set for October 5,
 10 2007.

12 Plaintiffs' counsel will file its formal stipulation with the Court once it successfully reaches
 13 Defendant's counsel and Defendant's counsel expresses its approval to do so.

14 Accordingly, Plaintiffs seek continuance of the CMC to November 9, 2007, or another date
 15 after the parties have concluded mediation, in case the parties fail to reach a settlement through the
 16 mediation process.

18 The request for continuance is not brought for any improper purpose nor should any party be
 19 prejudiced by the continuance.

21 Dated: September 14, 2007

22 BEESON, TAYER & BODINE, APC

23 By: _____ /s/
 24 COSTA KERESTENZIS
 25
 26 Attorneys for DONALD MORTON and
 27 DANIEL SANCHEZ

